

**REMARKS**

By this Amendment Applicants add claim 49. Thus, claims 1-49 are pending in this application. Support for claim 49 may be found on at least page 8, line 16, of the specification. No new matter is added.

Applicants gratefully acknowledge the Office Action's indication that claims 10-48 are allowed. Applicants respectfully request reconsideration and prompt allowance of claims 1-9 and 49 in view of at least the following remarks.

Claims 1-9 are rejected under 35 U.S.C. §101 as allegedly non-statutory. Applicants respectfully traverse the rejection.

The Office Action correctly recognizes that, under the Federal Circuit's current interpretation of §101, a method is statutory if it is tied to another statutory category (such as a particular apparatus), or (2) transforms the underlying subject matter (such as an article or material) to a different state or thing. See *In re Bilski*, 545 F.3d 943, 956 (Fed. Cir. 2008), *cert. granted*, 129 S. Ct. 2735 (2009). However, the Office Action overlooks the fact that the Federal Circuit also recognized in *Bilski* that a method that transforms data is statutory under §101, as long as the transformed data is "a visual depiction that represents specific physical objects or substances." *Bilski*, 545 F.3d at 963. Here, the method of claim 1 clearly acts on data because it acts on a digital data "object" (i.e., a bitmap object). The method transforms the data being acted upon by drawing an additional image in step c). The data acted upon in the claimed method is a visual depiction of an object because it is a bitmap object, and a bitmap is a well-know digital data file structure for visually depicting physical objects. Thus, for this additional reason, the methods of claims 1-9 are statutory under §101.

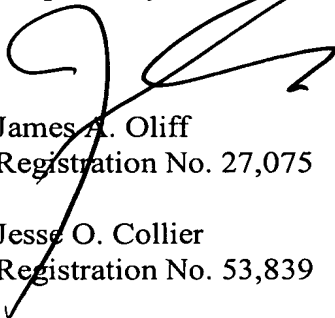
Because the methods of claims 1-9 transform data that is a visual depiction of a physical object, claims 1-9 are statutory under §101. Applicants respectfully request withdrawal of the rejection.

The method of new claim 49 is statutory under §101 for at least the reasons that claim 1 is statutory. However, the method of claim 49 is statutory for the additional reason that it is device implemented, and thus tied to a particular apparatus. See *Bilski*, 545 F.3d at 956 (Fed. Cir. 2008).

In view of at least the foregoing, Applicants respectfully submit that this application is in condition for allowance. Applicants earnestly solicit favorable reconsideration and prompt allowance of the pending claims.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, Applicants invite the Examiner to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: August 6, 2009

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